United Nations A/C.2/63/L.32

General Assembly

Distr.: Limited
6 November 2008

Original: English

Sixty-third session
Second Committee
Agenda item 51 (d)
Globalization and interdependence: preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

Antigua and Barbuda:* draft resolution

Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006 and 62/202 of 19 December 2007,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[1]

Welcoming also the convening of the second session of the Conference of the States Parties to the United Nations Convention against Corruption, in Nusa Dua, Indonesia, from 28 January to 1 February 2008, and stressing the need for States parties to take steps to implement the outcome of that Conference,

Recalling the Monterrey Consensus of the International Conference on Financing for Development,[2] which underlined that fighting corruption at all levels

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

[2] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

08-59179 (E) 071108

is a priority, and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[3]

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

Convinced that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation to prevent and control it essential,

Convinced also that a stable and transparent environment for national and international commercial transaction in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources, and recognizing that effective efforts at all levels to prevent and combat corruption in all its forms in all countries are essential elements of an improved national and international business environment,

Mindful of the very important role that the private sector can play in fostering economic growth and development and of the active involvement of the United Nations system in facilitating the constructive participation and orderly interaction of the private sector in the development process by embracing universal principles and norms, such as honesty, transparency and accountability,

Recognizing the concern about the laundering and the transfer and/or transaction of assets of illicit origin derived from corruption, and stressing the need to address this concern consistent with the United Nations Convention against Corruption,

Concerned about the links between corruption in all its forms, including bribery, corruption-related money-laundering and the transfer of assets of illicit origin, and other forms of crime, in particular organized crime and economic crime, including corporate tax evasion,

Noting the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V, so as to enable countries to design and fund development projects, in accordance with their national priorities and in view of the importance that such assets can have to their sustainable development,

Noting also that corrupt practices include public funds being illegally acquired, transferred and invested abroad,

---

[3] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

1. *Takes note* of the report of the Secretary-General;[4]

2. *Expresses concern* about the magnitude of corruption at all levels, including the scale of the transfer of assets of illicit origin derived from corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, consistent with the United Nations Convention against Corruption;[1]

3. *Condemns* corruption in all its forms, including bribery, money-laundering and the transfer of assets of illicit origin and other forms of crime, including corporate tax evasion;

4. *Urges* all Governments to prevent, combat and penalize corruption in all its forms, including bribery, money-laundering and the transfer of illicitly acquired assets, and to work for the prompt return of such assets through asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V;

5. *Stresses* the need for transparency in the financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, consistent with the United Nations Convention against Corruption, and encourages the promotion of human and institutional capacity-building in this regard;

6. *Affirms* that additional measures should be sought to prevent the transfer abroad of assets derived from corruption, including to prevent the financial institutions in both countries of origin and destination being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, consistent with the United Nations Convention against Corruption;

7. *Stresses* the importance of mutual legal assistance and encourages Member States to enhance international cooperation, consistent with the United Nations Convention against Corruption;

8. *Welcomes* the high number of Member States that have already ratified or acceded to the United Nations Convention against Corruption and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so, to consider ratifying or acceding to the Convention as a matter of priority, and calls upon all States parties to fully implement the Convention as soon as possible;

9. *Calls upon* States parties to continue to support the work carried out by the open-ended intergovernmental expert working groups on asset recovery, review of implementation and technical assistance in order to facilitate the full implementation of the United Nations Convention against Corruption, and the review thereof, and in this regard stresses the importance of the adoption of relevant legislation consistent with the Convention;

10. *Welcomes* the submission on the self-assessment checklist of the implementation of the United Nations Convention against Corruption by the States parties, and encourages all States parties that have not yet done so to submit

[4] A/63/88.

information through the self-assessment checklist as a follow-up mechanism to the first session of the Conference of the States Parties to the United Nations Convention against Corruption;

11. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, including in accordance with the United Nations Convention against Corruption, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level and, in accordance with domestic law and policies, at the local level, to prevent and combat corruption;

12. *Takes note* of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank;

13. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, consistent with the principles of the United Nations Convention against Corruption;

14. *Requests* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors;

15. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in anti-corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

16. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the United Nations Convention against Corruption and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, in accordance with its mandate;

17. *Takes note* of the offer of the Government of Qatar to host the third session of the Conference of the States Parties to the United Nations Convention against Corruption in 2009, and invites all parties and signatories to take measures aimed at promoting the full and effective implementation of the Convention;

18. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fourth session, a report on the implementation of the present resolution;

19. *Decides* to include in the provisional agenda of its sixty-fourth session, under the item entitled "Globalization and interdependence", the sub-item entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption".